## FILED

January 07, 2025
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

| BY: | NM     |
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|     | DEPUTY |

LOUIE GARCIA,

Plaintiff,

v.

BEXAR CO. TX, JAVIER SALAZAR, FERMIN GUZMAN, ALEXANDER URIEGAS, and INFORMANT ISSAC GARZA,

Defendants.

CIVIL NO. SA-23-CV-00996-OLG

## ORDER ADOPTING REPORT AND RECOMMENDATION

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The Court has considered United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R), filed December 9, 2024, concerning the Motion to Dismiss Plaintiff's First Amended Complaint (Dkt. No. 29) filed by Defendants Bexar County, Javier Salazar, Alex Uriegas, and Fermin Guzman. (See R&R, Dkt. No. 38.)

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). The parties through counsel, were electronically served with a copy of the R&R on December 9, 2024, and the time to object has passed. Because no party has objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *cf.* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which an objection is made.") After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law.

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 38) and, for the reasons set forth therein:

- 1. Defendants' Motion to Dismiss (Dkt. No. 29) is **GRANTED**;
- 2. Plaintiff's claims against Defendants Bexar County, Javier Salazar, Alex Uriegas, and Fermin Guzman are **DISMISSED**; and
- 3. Plaintiff's claims against Defendant Issac Garza are **DISMISSED WITHOUT PREJUDICE** for failure to timely serve, failure to prosecute, and failure to comply with a court order. *See* FED. R. CIV. P. 4(m); FED. R. CIV. P. 41(b).

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this \_\_\_\_\_ day of January, 2025.

ORLANDO L. GARCIA United States District Judge